

disposition on the part of the United States to disturb the peace which exists between the two countries. If the Spanish government refuses to do this, the organ will advocate the employing of all the power which the government can command in support of our right and interests with Cuba."

Now all this is very well said, and it is cheering to the American people to know what course the organ will "advocate," but it is also very evident that the Spanish government, which is distinguished for delays, will take a long time for consideration before the matter is finally settled. The present movement of our government appears prompt and decided; but on account of the imbecility of General Pierce and his advisers it is very doubtful whether or not the administration will adhere to one line of policy from one week's end to the beginning of another. Neither the American people or the American press can trust General Pierce with so important a question; and unless he is spurred up to some decisive action at the present time things will go on the same old way; and a very bad way it is.

For a series of years the interests of American citizens sojourning in Cuba have been insulted and outraged by the authorities at Havana. Americans resident in that city, have been subject to insult and contumely—sometimes to fine and imprisonment—on mere suspicion that they had committed some overt act; vessels have been seized and detained on the most flimsy pretexts; our consuls have been injured by restrictions such as are without a parallel in any other part of the civilized world. Various administrations have neglected these matters, and have failed to see the necessity of demanding instant reparation from Spain, as well as to require such action on her part as would confer upon the Captain-General full diplomatic powers. Now we have another outrage, and the President has transmitted instructions upon the subject to our Minister at Madrid. Well, suppose the instructions reach Madrid, and Mr. Soule, having no more duels on hand, and having settled his tailor's affairs, immediately commences his diplomatic operations with the Court of Madrid, what will be the result? The Spanish government is not the only party interested, as we shall see.

According to the avowed admission of Lord Clarendon, as stated in a late speech in Parliament, the present coalition between the great powers of Europe has not only in view the settlement of the Eastern question, but France and England have also united for the purpose of arranging American affairs upon such a basis as may be satisfactory to them; so that it will be easily seen that Spain will have the aid of English and French diplomats in the settlement of her present difficulties with the United States. Mr. Soule, then, will have to treat with an alliance between England, France, and Spain. These diplomats are well aware of the advantage to be gained by the formidable diplomatic weapon, delay; and the Spanish ministry, assisted by the representatives of France and England will make the most of it. Then they will deal in protocols, diplomatic notes, couriers, and every other species of the ceremony for which these gentlemen are distinguished, so that one or two years may elapse before Mr. Soule can obtain any definite reply to send back to his government. In fact, during the interval of time which will be occupied in this consultation, Mr. Soule will have sufficient leisure to fight half a dozen duels, and settle all vexed questions of costume for double that number of ministers plenipotentiary to any court in the civilized or uncivilized, Christian or barbarian world.

Ought our government, or our people who make the government, and by determination can dictate its policy, to put up with all this antiquated nonsense about protocols, notes, couriers, and similar humbug, in which diplomacy in the Old World sees fit to disguise itself? In a similar difficulty between Russia and Turkey, the Autocrat pursued quite a different course. He marched his troops into the Turkish Principalities—he kept the Principalities, and he probably will keep them until England and France shall bring Turkey to her senses, and the matter shall be settled in a manner compatible with the dignity and the power of Russia. This is the style in which the Autocrat conducts his diplomatic negotiations; and his boldness and vigor astonished the vacillating cabinets and hesitating sovereigns of Western Europe.

We are disposed to believe that this would be the proper mode for the government of the United States to deal with such an effete and broken down government as that of Old Spain, and we are inclined to the opinion that the proposal to suspend the neutrality laws was a good one. Our government should send a powerful fleet to Havana to take possession of that port and the island of Cuba. We could then wait for Spain to make the reparation we demand; and she with her allies could take as much time for diplomacy as the farthest limits of its rules might allow. Meanwhile, the "Gem of the Antilles" would be increased in value, at least one hundred per cent by the influx and establishment of American capital—American merchants—American ships—American mechanics—American newspapers—American education, and American regulations.

Those who regard the present position of Russia as a hopeless and a desperate one, must know but little of her vast internal resources or of the incidents of her singular career. There is no country, perhaps, which possesses within herself more of the elements of commercial independence, or that can afford to continue longer in a state of political isolation. She grows more grain than is required for her own consumption; the produce of her mines is immense, and since the time of Peter the Great, and more especially during the reign of the present Emperor, her progress in the manufacturing arts has been unprecedentedly rapid. Of manufactures of every kind, smelting works, engineering works, cotton and woolen factories, tanneries, tallow melting works, and soap factories, she possesses sufficient to supply the wants of her population, and her inland trade is carried on by an extensive and admirably developed system of water communication. The natural facilities afforded by her great rivers, such as the Volga, Dnieper, and Don, which place the heart of the Empire in communication with the White, the Black, the Caspian, and the Baltic seas, have been improved and multiplied by the construction of canals, intersecting the country in every direction, and connecting those rivers and seas. She is dependent upon foreign imports to a comparatively insignificant extent, and the suspension of her exports by the blockade of her ports, will not inflict any material injury upon her

with her own dominions, or fresh outlets and channels through her Asiatic possessions. Thus situated in a commercial point of view, and unassailable in her territorial position, Russia has but little to apprehend from the state of isolation in which she finds herself. This very isolation, in fact, being a source of weakness, is, in fact, a source of strength to her; for it imparts unity and force to her action, and teaches her to rely alone upon her own resources. A declared enemy is safer than a doubtful ally, and in forcing Austria and Prussia to a categorical explanation of their intentions, the Ozar has clearly defined his position, and removed from his mind considerations that would have ultimately hampered and embarrassed him. He now stands unshaken by either political sympathies or former alliances, and is free to give effect to the traditional policy of his predecessors. The course that he has to pursue is a simple and effective one; and he appears, from his late declaration to the peace deputation, to be fully impressed with its advantages. He has only to act up in the defensive, and wait patiently until the force of events and the diversity of interests that prevails amongst his opponents break up the coalition formed against him, and leave him at liberty to carry out his designs. A year or two of harassing and resultless hostilities, continued at enormous expense and waste of life, will inevitably lead to discontent and perhaps revolutionary explosions in both England and France, and dissolve of itself this grand political combination, on which the cabinets of the Western governments so much pride themselves.

The Empress Catherine, in writing to Voltaire, in 1769, made use of this remarkable and prophetic phrase, which up to the present time has been strikingly exemplified:—"We have war, it is true," she said, "war with the Porte," "but Russia has been long carrying on that sort of game, and she always issues from it more flourishing than she entered it. Each war is with her the parent of some new resource, which imparts a fresh impulse to her commerce and influence." The results of the approaching struggle will prove no exception to the prevailing rule of her destiny. The acquisitions that she has already made in Europe, at the expense of Sweden, Germany, Poland and Turkey, and in Asia by successive invasions of Persia, Georgia, Tiflis, Erivan and Circassia, are but the first steps in a successful career of conquest, which will ultimately bring under her sway a wider extent of dominion than has ever before been ruled over by any Christian potentate. The only eventuality that can arrest this otherwise inevitable course of events, is the triumph of the revolutionary principle throughout Europe, which, by destroying the old and effete systems of government, and inaugurating a new era of progress far in advance of the semi-civilization of Russia would give another turn and direction to the affairs of the world.

JOHN VAN BUREN, GENERAL PIERCE, AND THE NEW YORK PRESS.—Some time last January, the proprietor of the *Evening Day Book*, which had made a very respectable reputation on the strength of Mr. Foster's spicy city articles, and its consistent advocacy of the constitutional rights of the South, was in want of an assistant editor—Mr. Foster having left the paper some two years before. Mr. Stimson consequently applied to Mr. Hall, of the *Commercial Advertiser*, who lent him up "a young man by the name of" Wright, a nephew of Governor Wright, of New Jersey, who rolled up his sleeves and went to work with pen and scissors.

Shortly after Mr. Wright made certain proposals to Mr. Stimson, to the effect that if he would bring the *Day Book* out as an organ of the Pierce administration, he (Wright) was authorized to offer him \$10,000. Stimson was as poor as a rat, and the bait took. The young man by the name of Wright went on to Washington, armed with a letter from John Van Buren to President Pierce, and with other credentials.

The President and Cabinet apparently responded heartily to Mr. Van Buren's warm recommendation of his protégé; and all sorts of promises of patronage, government advertising, &c., &c., were made on behalf of the *Day Book*. A rap or two, in the shape of some advertisements, seemed to clinch the matter, and the paper gradually came out for the administration, by which, of course, it lost the greater portion of its friends and subscribers. When they thought the concern was sufficiently crippled, and could never recover from the dose of Pierceism it had administered to itself, they cooled off, and John Van Buren refused plumply to sign an endorsement of the *Day Book*, which had already been signed by several of the leading friends of the administration, on the ground that it had not yet sufficiently satisfied itself with free soilism.

Stimson, now becoming alarmed, and finding that he had been "sold," made haste to rid himself of his new assistant; and the *Day Book* has recently resumed pretty much its old tone and position. We recognize, too, again in its columns the pen of its old editor, Mr. G. G. Foster, who is an experienced journalist, and shall be glad to see that he has not taken hold too late to restore the "spicy little *Day Book*" to public favor.

Something like a similar negotiation must have taken place with the *Times*, for it has been following—rather weakly, to be sure—in the wake of the *Day Book*, till recently the Nebraska movement has blown every sky high, thrown John Van Buren on shore, and consigned the leadership of the administration to Captain Rynders alone.

THE HARBOR ENCROACHMENTS.—We are gratified to hear from Albany that the bill known as the "anti-harbor encroachments bill," has passed the Senate by the very large majority of twenty-one to one. Mr. Hutchins, the only dissenting member, introduced an amendment that of course was negatived. It embodied the old plea, which has been urged over and over again, and always refuted, that the bill interferes with the vested rights of the citizens of Brooklyn.

The contest all along has been one literally between New York and Brooklyn—the former being the champion of the public, and the latter of its own private interest. The point at issue—that for which New York contends—is that the harbor of the city should not be injured in order to gratify the wishes or the cupidity of any clique or party. It has been clearly proved by practical, experienced men, before the committee appointed by the State Legislature to investigate the matter, that the piers along the East River have so far diminished the body of water, and have so obstructed the navigation, that where vessels in former years could sail with the utmost ease it is now barely possible, with the aid of a tug-boat, to turn them round. Scientific men—men thoroughly acquainted with the

use of opinion that the harbor of New York will be ruined if the system of building these piers is continued. Upon such evidence as this no disinterested citizen of either New York or Brooklyn can help concurring with the provisions of this bill. Within a few years New York has become the second commercial city in the world, and in a few years more she will rank as the first; provided—and it is an indispensable proviso—that her harbor is preserved intact. The people of New York have been accused of being actuated by selfish motives in this matter. It has been said that they have aggrandized themselves at the expense of the harbor, and are now jealous lest the same privilege should be extended to Brooklyn. This is a mistake, as every one must see, with the facts of the case before him. It involves, to a certain extent, the question of our future commercial supremacy—a question in which all are alike interested. The vote in the State Senate demonstrates how small is the party opposed to the measure; and we believe that in the House the result will be the same.

THE MAINE LIQUOR LAW.—IMPORTANCE OF THE RECENT DECISION IN MASSACHUSETTS.—The recent decision of the Supreme Court of Massachusetts, declaring unconstitutional a section of the liquor law of that State, commonly known as the Maine law, is an event of considerable public interest and importance. The opinion was drawn up and delivered by Chief Justice Shaw, and was concurred in by all the Judges. The Supreme Court of Massachusetts is distinguished for its learning and ability, and the decision will have much weight throughout the country.

The Court declare the fourteenth section of the Massachusetts act unconstitutional. That section directs that if three persons, voters, &c., should make complaint, under oath or affirmation, that they have reason to believe, and do believe, that spirituous or intoxicating liquors are kept or deposited, and intended for sale, by any person not authorized, &c., said justice or judge shall issue his warrant of search, to any sheriff, &c., who shall proceed to search the premises described in said warrant. The clause contains a provision for a more special complaint to warrant the search of a dwelling house. The Court say:—

I. The measures directed by the fourteenth section of this act are in violation of the fourteenth article of the Bill of Rights, which declares that every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right in the foundation of them, he not previously supported by oath or affirmation, &c. It appears to us that this act in its terms warrants and requires unreasonable searches and seizures, and is, therefore, contrary to the constitution.

II. Another ground upon which we are of opinion that the act is unconstitutional, is that the commencement and course of proceedings required and directed by the series of measures provided for in the act, many of the precautions and safeguards, for the security of persons and property, and the mode of valuing the rights of the subject, so sedulously required and insisted on in the laws of all well ordered governments, and specially prescribed as the governing rule of the Legislature in our declaration of rights, are overlooked and disregarded.

The Bill of Rights declares, article one, that all men have certain natural, essential, and inalienable rights, and that the government is instituted for the purpose of securing them. The rights of acquiring, possessing, and protecting property.

Article X.—Each individual has a right to be protected in his property by standing laws.

Article XI.—Every subject ought to find a certain remedy, by having recourse to the laws, &c., to obtain right and justice, &c.

Article XII.—Every subject shall be held to answer for any offence, until the same is fully and plainly, substantially and formally described to him. He shall have a right to prepare all proof favorable to him, to meet the witness against him face to face, to be fully heard in his defence; and no subject shall be arrested or deprived of his property, liberty, or estate, but by the judgment of his peers or the law of the land.

The opinion is very long, and the grounds, as stated in detail, on which this part of the law is pronounced unconstitutional, are numerous. They are, mainly, the uncertainty which, in many respects, characterizes the proceedings; the fact that the person proceeded against has no opportunity to be confronted face to face with his accusers; that he has not the benefit of the legal presumption of innocence, but is obliged to prove that he is not guilty; and that no provision is made by the statute for a trial, for a determination by judicial proofs, of the facts, upon the truth of which alone the property can be justly confiscated and destroyed. On the contrary, the statute expressly directs that if the owner fail to appear, or (that is, if he does appear) unless he can prove that the liquors were lawfully kept, they shall be declared forfeited, and the owner shall be adjudged to pay a fine and costs.

As to the provision of the statute which authorizes a judgment for a fine and costs, with an alternative sentence to imprisonment thirty days in case of non-payment, the court say:—

The specific ground on which this part of the statute, directing proceedings in personam, is repugnant to the provisions of the constitution in that as a charge of crime or offence, there is no provision for an indictment, information or complaint, on oath or otherwise, in which the specific offence, of keeping or depositing spirituous liquors, intended for sale, is in any way described, so that it can be put on record and traversed, or an issue thereon be joined and tried in the due course of law.

By those old-fashioned people, who, through all the madness of fanaticism, have adhered to the notion that man's personal liberty, his exemption from unreasonable search, the unimpaired enjoyment of his property, are things equally as important as the virtue of temperance, this decision by a court of so much eminence will be hailed as an evidence that some of the safeguards of our rights remain firm and steadfast. A man's house is his castle, and when it ceases to be so a house is hardly worth having. Invading the highest rights of the citizen, for the sake of reforming his diet or drink, is a proceeding too arbitrary in its character to be long maintained in this country. Temperance is an excellent thing; but there are other things—great personal rights—excellent and valuable also.

This decision of the Supreme Court of Massachusetts will be followed in other States. Important results will ensue from it. It will be well for those who frame future temperance statutes to have more regard to the fundamental principles of all law, and to rights which, at this day, even Legislatures cannot invade with impunity.

SANDERS IS COMING.—CLEAR THE WAY FOR YOUNG AMERICA.—The recall of George Sanders by the Senate has given rise to a good deal of speculation amongst the *quid nuncs* of the English press. They cannot understand why a progressive democrat like George should be unforgotten enough to fall under the displeasure of a democratic body. They have yet to learn that there is in this free country, as in others, a considerable amount of old fogeyism, which is antipathetic to the political smartness and good-naturedness impersonated by the entertainer of Lédru Rollin and Mazzini. They are representatives, in fact, of two opposite principles—the one furnishing the steam and the other acting as the drag to the political wheel. As soon as George has completed the details of the great movement which he is engaged in organizing in Europe, he will no doubt return to this country to settle his accounts with the *quid nuncs* and make short work with his political

THE COURT OF COMMON PLEAS.—ITS INCREASED DUTIES AND ITS ANCIENT ORIGIN.—A petition was recently presented in the Senate, signed by all the leading members of the bar of New York, without distinction of party, calling for the passage of a bill which would place the clerkship of the Common Pleas upon the same footing as the clerkship of the Superior Court. The subject was referred to a committee of the Senate, who immediately reported a bill, which we have already published, and which, it is confidently expected, will pass. This measure has become indispensably necessary; the business of the County Clerk's office has become so unwieldy from having added to it the clerkship of the Supreme Court, in which are embraced all the records of the late Court of Chancery with the clerkship of the Common Pleas, that it can no longer be managed with satisfaction. The records and papers of the Common Pleas are consequently in a state of the greatest confusion, which not only obstructs the daily transaction of business in that court, but is attended with still more serious consequences, as the title to real estate depends upon the regularity of many of the proceedings of the courts, such as the partition of the estates of infants, and sales of land ordered by the court.

In investigating titles, important papers relating to such matters are asked for, but cannot be found, and papers of the Court are continually missing. This state of things has existed for some time, and is daily growing worse; and although attempts have been hitherto made to correct the evil, by separating from the office of the County Clerk the clerkship of the Common Pleas, and limiting it to the clerkship of the Supreme Court, and the various other duties appertaining to the county, the County Clerks, who have a great pecuniary interest—altogether with considerable political patronage, in keeping up the present regulations—have managed from time to time to stave off the action of the Legislature. But this cannot be done forever. Lawyers and litigants have borne with those annoyances for a long time, and they have at last become so thoroughly aroused that they will endure it no longer.

Political influences will no doubt be brought to bear against this desirable change, and though the present Legislature is whig, we have no doubt that the needed reform will take its course. The system maintained in the office of the Clerk of the Superior Court is admirable, and we have no doubt that a similar arrangement in respect to the Common Pleas would be highly advantageous to that court, where an enormous amount of business is transacted. It appeared by the statistical tables which were published in the *HERALD* on the 1st of January, that although composed of but three judges, the Common Pleas did more business during the past year than other courts where the judges are more numerous. This, however, may be attributed to the popularity of the court, and the fact of its being the final appellate tribunal from the Marine Court, and all the other inferior courts. It is, moreover, the oldest court in the city—its records extending back to the days of the Dutch dynasty, when it was presided over by a burgomaster and schepens, in the days of the redoubtable Stuyvesant. The English afterwards gave it a new name, the burgomaster being changed into mayor, and the schepens into aldermen.

The bill now before the Legislature will accomplish what is necessary to ensure the full and efficient despatch of the business of the court, and as a movement of convenience and facility to lawyers, litigants, and reporters, we wish it a speedy passage.

THE NEW YORK CRYSTAL PALACE.—The *Tribune* asserts that there is no truth in the statement that the "Prince of Showmen," Barnum, intends to resign the Presidency of the Crystal Palace. Mr. Barnum accepted the office conditionally, and with the understanding that if, upon a careful examination, it was possible to renege it, and make the exhibition remunerative to the stockholders, he would give his best energy to the work. A committee was appointed to make the investigation. And what is the result?

It appears that the company was chartered in the year 1852; that its capital stock was \$500,000, of which amount \$489,000 were issued. By the statement of the directors, dated February 1, 1854, it is shown that the total receipts of the company from all sources, including its capital, was \$938,873 05. As the above statement does not show any cash on hand, it is proper to add the \$125,000 acknowledged indebtedness as so much received either by labor or otherwise. Hence, it will appear that the total receipts were \$1,063,873 05; and upon investigation it is discovered that the company is now in debt \$178,000. It further appears that \$100,000 of the bonds of the company were issued by the old directors, which Messrs. Duncan & Sherman hold in trust, and have as collateral security for their payment of a mortgage on the building. Of the above bonds, \$73,000 have been sold—\$35,000 to Messrs. Duncan & Sherman, and \$38,000 to the late directors—almost exclusively to those who were re-elected on the union ticket. The balance—\$27,000—of the bonds not sold, it is said, will not bring in Wall street more than sixty cents on a dollar.

The charter expires by limitation in 1857. Article ninth of this charter reads as follows:—"The stockholders of the company hereby created shall be jointly and severally individually liable for all debts that may be due and owing to all the laborers, servants, and others in their employ, for services performed for said company."

At the expiration of the lease of Reservoir square, the building, without any further equivalent, becomes the property of the city by the terms of the lease; and we learn that an effort has been made to induce hotel keepers and others to purchase one or more thousand dollars worth of tickets, to meet immediate and pressing demands; but for want of success it has been abandoned.

The only hope now remaining is to assess the stockholders twenty per cent, which will furnish Mr. Barnum about \$100,000 to meet present emergencies. The present average expenses of the company are \$425 per day; the average daily receipts are \$125—making a daily loss of \$300. Is it probable that Mr. Barnum will continue the management of this concern, with such a crushing weight upon it?